

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NELSON R. AYBAR,)	CASE NO. 4:08CV407
)	
Plaintiff,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	
ROSANN RUBOSKY, <i>et al.</i>,)	
)	ORDER
Defendant.)	
)	

This matter is before the Court upon Plaintiff's Motion to Alter or Amend the Court's Order on June 2, 2008, in Order to Recharacterizes [sic] the Writ of Mandamus as a Petition for Injunction Seeking for Preventive Relief Pursuant to Fed. R. Civ. P. Rule 59(e). (Dkt. # 10).

Plaintiff filed the Complaint in the instant action on February 5, 2008, seeking a writ of mandamus ordering Defendant prison officials to permit him to store all of his legal documents in his cell. (Dkt. # 1). The Court dismissed the instant action pursuant to 28 U.S.C. § 1915(e), finding that the action failed to state a claim on which relief may be granted. (Dkt. # 8). Plaintiff filed the instant Motion on June 9, 2008. (Dkt. # 10).

A motion to alter or amend judgment under Rule 59(e) of the Federal Rules of Civil Procedure may be granted only in a narrow set of circumstances. A Rule 59(e) motion "must either clearly establish a manifest error of law or must present newly discovered evidence." Sault Ste. Marie Tribe of Chippewa Indians v. Engler, 146 F.3d

367, 374 (6th Cir. 1998) (quoting FDIC v. World Univ., Inc., 978 F.2d 10, 16 (1st Cir. 1992)). Plaintiff has failed to make a proper showing to justify relief under Rule 59(e) on either ground.

Therefore, Plaintiff's Motion to Alter or Amend the Court's Order on June 2, 2008, in Order to Recharacterizes [sic] the Writ of Mandamus as a Petition for Injunction Seeking for Preventive Relief Pursuant to Fed. R. Civ. P. Rule 59(e) is hereby **DENIED**. (Dkt. # 10).

IT IS SO ORDERED.

/s/ Peter C. Economus – July 9, 2008
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE